

108TH CONGRESS
1ST SESSION

S. 1123

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mrs. BOXER (for herself and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violence Against Chil-
5 dren Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) People under the age of 18 make up ap-
9 proximately 12 percent of all crime victims known to

1 police, including 71 percent of all sex crime victims
2 and 38 percent of all kidnaping victims.

3 (2) People from the ages of 12 through 17 are
4 over 2 times more likely to be victims of violent
5 crime than adults.

6 (3) It has been estimated that only 28 percent
7 of crimes against children are actually reported.

8 (4) Some 1,200 children die as a result of
9 abuse each year, and approximately 879,000 chil-
10 dren are victims of abuse.

11 (5) Child abuse has long-lasting negative effects
12 upon children and families, including delayed devel-
13 opment, depression, substance abuse, and increased
14 likelihood of experiencing or perpetrating domestic
15 violence as an adult.

16 (6) Most local agencies lack adequate resources
17 to protect and serve the needs of children and fami-
18 lies that are brought to their attention.

19 (7) Failure to pay child support is in itself a
20 form of neglect, as children who do not receive fi-
21 nancial support are more likely to live in poverty,
22 and are therefore more likely to suffer from inad-
23 equate education, a lack of quality health care, and
24 a lack of affordable housing.

1 **TITLE I—ENHANCED FEDERAL**
 2 **ROLE IN CRIMES AGAINST**
 3 **CHILDREN**

4 **SEC. 101. ENHANCED PENALTIES.**

5 (a) IN GENERAL.—Chapter 110 of title 18, United
 6 States Code, is amended by inserting at the end the fol-
 7 lowing:

8 **“§ 2260A. Violence against children**

9 “(a) IN GENERAL.—Whoever, whether or not acting
 10 under color of law, in any circumstance described in sub-
 11 section (b), by force or threat of force willfully injures or
 12 attempts to injure any person under 18 years of age—

13 “(1) shall be imprisoned for not more than 10
 14 years and fined in accordance with this title; and

15 “(2) shall be imprisoned for any term of years
 16 or for life, and fined in accordance with this title
 17 if—

18 “(A) death results from the offense; or

19 “(B) the offense includes kidnaping or an
 20 attempt to kidnap, aggravated sexual abuse or
 21 an attempt to commit aggravated sexual abuse,
 22 or an attempt to kill.

23 “(b) CIRCUMSTANCES.—For purposes of subsection
 24 (a), the circumstances described in this subsection are
 25 that—

1 “(1) the conduct described in subsection (a) oc-
 2 curs during the course of, or as the result of, the
 3 travel of the defendant or the victim—

4 “(A) across a State line or national border;
 5 or

6 “(B) using a channel, facility, or instru-
 7 mentality of interstate or foreign commerce; or

8 “(2) in connection with the conduct described in
 9 subsection (a), the defendant employs a firearm, ex-
 10 plosive or incendiary device, or other weapon that
 11 has traveled in interstate or foreign commerce.

12 “(c) PENALTIES.—An offense under this section shall
 13 also be subject to the penalties provided in section 1111
 14 of this title (as amended by the PROTECT Act) if the
 15 offense is also an offense under that section.”.

16 (b) AMENDMENT TO CHAPTER ANALYSIS.—The
 17 chapter analysis for chapter 110 of title 18, United States
 18 Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

19 (c) ENHANCED PENALTIES FOR EXISTING CRIMES
 20 WHEN COMMITTED AGAINST CHILDREN.—Pursuant to
 21 its authority under section 994(p) of title 28, United
 22 States Code, and in accordance with this Act and its pur-
 23 poses, the United States Sentencing Commission shall re-
 24 view and amend its guidelines and its policy statements

1 to provide enhanced penalties when the victim of a Federal
2 crime is under the age of 18.

3 (d) GAO REVIEW OF STATE LAWS.—Not later than
4 6 months after the date of enactment of this Act, the
5 Comptroller General of the United States shall—

6 (1) review the statutory penalties for crimes
7 against children under State laws and the sentencing
8 practices of the States with respect to those crimes,
9 including whether a State provides enhanced pen-
10 alties when the victim of the crime is a child; and

11 (2) report the findings of the review to Con-
12 gress.

13 **SEC. 102. ENHANCED ASSISTANCE FOR CRIMINAL INVES-**
14 **TIGATIONS AND PROSECUTIONS BY STATE**
15 **AND LOCAL LAW ENFORCEMENT OFFICIALS.**

16 (a) IN GENERAL.—At the request of a State, Indian
17 tribal government, or unit of local government, the Attor-
18 ney General shall provide technical, forensic, prosecutorial,
19 or any other form of assistance in the criminal investiga-
20 tion or prosecution of any crime that—

21 (1) constitutes a crime of violence (as defined
22 in section 16 of title 18, United States Code);

23 (2) constitutes a felony under the laws of the
24 State or Indian tribe; and

1 (3) is committed against a person under 18
2 years of age.

3 (b) PRIORITY.—If the Attorney General determines
4 that there are insufficient resources to fulfill requests
5 made pursuant to subsection (a), the Attorney General
6 shall give priority to requests for assistance to—

7 (1) crimes committed by, or believed to be com-
8 mitted by, offenders who have committed crimes in
9 more than 1 State; and

10 (2) rural jurisdictions that have difficulty cov-
11 ering the extraordinary expenses relating to the in-
12 vestigation or prosecution of the crime.

13 **TITLE II—GRANT PROGRAMS**

14 **SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW** 15 **ENFORCEMENT.**

16 (a) IN GENERAL.—The Attorney General shall award
17 grants to assist States, Indian tribal governments, and
18 units of local government to develop and strengthen effec-
19 tive law enforcement and prosecution of crimes against
20 children.

21 (b) PURPOSES.—Grants provided under this section
22 shall provide personnel, training, technical assistance,
23 data collection, and other equipment for the more wide-
24 spread apprehension, prosecution, and adjudication of per-

1 sons committing crimes against children, and specifically,
2 for the purposes of—

3 (1) training law enforcement officers, prosecu-
4 tors, judges, and other court personnel to more ef-
5 fectively identify and respond to crimes against chil-
6 dren;

7 (2) developing, training, or expanding units of
8 law enforcement officers, prosecutors, or courts spe-
9 cifically targeting crimes against children;

10 (3) developing and implementing more effective
11 police and prosecution policies, protocols, orders, and
12 services specifically devoted to preventing, identi-
13 fying, and responding to crimes against children;

14 (4) developing, installing, or expanding data
15 collection and communication systems, including
16 computerized systems, linking police, prosecutors,
17 and courts for the purpose of identifying and track-
18 ing arrests, prosecutions, and convictions for crimes
19 against children;

20 (5) encouraging, developing, and strengthening
21 programs, procedures, and policies that enhance
22 cross-collaboration and cross-communication between
23 law enforcement and child services agencies regard-
24 ing the care, treatment, and services for child vic-
25 tims; and

1 (6) developing, enlarging, or strengthening pro-
 2 grams addressing the needs and circumstances of
 3 Indian tribes in dealing with crimes against children.

4 (c) APPLICATION.—

5 (1) IN GENERAL.—Each State, Indian tribal
 6 government, or unit of local government that desires
 7 a grant under this section shall submit an applica-
 8 tion to the Attorney General at such time, in such
 9 manner, and accompanied by or containing such in-
 10 formation as the Attorney General shall reasonably
 11 require.

12 (2) REQUIREMENTS.—A State, Indian tribal
 13 government, or unit of local government applying for
 14 a grant under this section shall—

15 (A) describe—

16 (i) the purposes for which the grant is
 17 needed;

18 (ii) the intended use of the grant
 19 funds; and

20 (iii) the expected results from the use
 21 of grant funds;

22 (B) demonstrate that, in developing a plan
 23 to implement the grant, the State, Indian tribal
 24 government, or unit of local government has
 25 consulted and coordinated with nonprofit, non-

1 governmental victim services programs that
2 have experience in providing services to victims
3 of crimes against children; and

4 (C) certify that—

5 (i) any Federal funds received under
6 this section will be used to supplement, not
7 supplant, non-Federal funds that would
8 otherwise be available for activities funded
9 under this section; and

10 (ii) the State, the Indian tribal gov-
11 ernment, or the State in which the unit of
12 local government is located is in compli-
13 ance with sections 301 and 302.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$25,000,000 for each of the fiscal years 2004 through
17 2008.

18 **SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSIST-**
19 **ANCE GRANTS.**

20 (a) IN GENERAL.—The Attorney General shall award
21 grants to assist States, Indian tribal governments, units
22 of local government, and nongovernmental organizations
23 to provide education, prevention, intervention, and victims'
24 assistance services regarding crimes against children.

1 (b) PURPOSES.—Grants provided under this section
2 shall be used to provide education, prevention, and inter-
3 vention services to prevent crimes against children and to
4 provide assistance to children, and the families of children,
5 who are victims of crime, including—

6 (1) educational seminars;

7 (2) the operation of hotlines;

8 (3) training programs for professionals;

9 (4) the preparation of informational materials;

10 (5) intervention services to prevent crimes
11 against children;

12 (6) other efforts to increase awareness of the
13 facts about, or to help prevent, crimes against chil-
14 dren, including efforts to increase awareness in un-
15 derserved racial, ethnic, and language minority com-
16 munities;

17 (7) emergency medical treatment for victims;

18 (8) counseling to victims of crimes against chil-
19 dren and their families; and

20 (9) increasing the supply of mental health pro-
21 fessionals specializing in the mental health of victims
22 of crimes against children.

23 (c) APPLICATION.—

24 (1) IN GENERAL.—Each State, Indian tribal
25 government, unit of local government, or nongovern-

1 mental organization that desires a grant under this
2 section shall submit an application to the Attorney
3 General at such time, in such manner, and accom-
4 panied by or containing such information as the At-
5 torney General shall reasonably require.

6 (2) REQUIREMENTS.—A State, Indian tribal
7 government, unit of local government, or nongovern-
8 mental organization applying for a grant under this
9 section shall—

10 (A) describe—

11 (i) the purposes for which the grant is
12 needed;

13 (ii) the intended use of the grant
14 funds; and

15 (iii) the expected results from the use
16 of grant funds;

17 (B) demonstrate that, in developing a plan
18 to implement the grant—

19 (i) in the case of a State, Indian tribal
20 government, or unit of local government,
21 that the State, Indian tribal government,
22 or unit of local government has consulted
23 and coordinated with nonprofit, nongovern-
24 mental victim services programs that have

1 experience in providing services to victims
2 of crimes against children; and

3 (ii) in the case of a nongovernmental
4 organization, that the nongovernmental or-
5 ganization has experience in providing edu-
6 cation, prevention, or intervention services
7 regarding crimes against children or has
8 experience in providing services to victims
9 of crimes against children; and

10 (C) certify that—

11 (i) any Federal funds received under
12 this section will be used to supplement, not
13 supplant, non-Federal funds that would
14 otherwise be available for activities funded
15 under this section, provided that the Attor-
16 ney General may waive such requirement
17 for nongovernmental organizations in ex-
18 traordinary circumstances; and

19 (ii) the State, the Indian tribal gov-
20 ernment, the State in which the unit of
21 local government is located, or the State in
22 which the nongovernmental organization
23 will operate the activities funded under this
24 section is located, is in compliance with
25 section 303.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$25,000,000 for each of the fiscal years 2004 through
4 2008.

5 **TITLE III—NATIONWIDE**
6 **PROGRAMS**

7 **SEC. 301. NATIONWIDE AMBER ALERT.**

8 Not later than 3 years after the date of enactment
9 of this Act, each State receiving grants pursuant to section
10 201 shall have in place a statewide AMBER Alert commu-
11 nications network for child abduction cases.

12 **SEC. 302. IMPROVED STATISTICAL GATHERING.**

13 Each State receiving grants pursuant to section 201
14 shall use, or shall be in the process of testing or developing
15 protocols to use, the National Incident-Based Reporting
16 System.

17 **SEC. 303. NATIONAL SAFE HAVEN.**

18 (a) IN GENERAL.—Not later than 3 years after the
19 date of enactment of this Act, each State receiving grants
20 pursuant to section 202 shall have in effect a statute
21 that—

22 (1) permits a parent to leave a newborn baby
23 with a medically-trained employee of a hospital
24 emergency room anonymously without any criminal
25 or other penalty;

1 (2) includes a mechanism to encourage and per-
 2 mit a hospital employee in the receiving hospital to
 3 collect information about the medical history of the
 4 family subject to the approval of the parent;

5 (3) requires law enforcement entities in the
 6 State, immediately after relinquishment of a child
 7 under paragraph (1), to search State and Federal
 8 missing person databases to ensure that the child
 9 has not been reported missing; and

10 (4) includes a plan for publicizing the State's
 11 Safe Haven law.

12 (b) EXCEPTION.—Notwithstanding subsection (a)(1),
 13 a State statute in effect pursuant to this section may deny
 14 a parent the ability to leave a newborn baby anonymously
 15 without any criminal or other penalty if the newborn baby
 16 shows signs of abuse or appears to have been intentionally
 17 harmed.

18 **SEC. 304. IMPROVED CHILD PROTECTION SERVICES PRO-**
 19 **GRAMS.**

20 (a) REPORT BY STATES.—Not later than 180 days
 21 after the date of enactment of this Act, each State receiv-
 22 ing an allotment for child welfare services under subpart
 23 1 of part B of title IV of the Social Security Act (42
 24 U.S.C. 620 et seq.) shall submit to the Secretary of Health
 25 and Human Services a report detailing the State's pro-

1 gram funded under that subpart, including the process for
2 maintaining records and verifying the well-being of the
3 children under the State's care.

4 (b) GAO STUDY.—Not later than 180 days after the
5 date of enactment of this Act, the General Accounting Of-
6 fice shall report to Congress on State practices and poli-
7 cies under the child welfare program funded under subpart
8 1 of part B of title IV of the Social Security Act (42
9 U.S.C. 620 et seq.). The report shall include the following:

10 (1) How States are maintaining records and
11 verifying the well-being of the children under their
12 care, including how well States are keeping track of
13 where those children are.

14 (2) Whether and how the review system being
15 undertaken by the Secretary of Health and Human
16 Services is helping States to reform their child wel-
17 fare system.

18 (3) The best practices being implemented by
19 the States.

20 (4) Recommendations for legislative changes by
21 Congress.

1 **TITLE IV—CHILD SUPPORT**
2 **ENFORCEMENT**

3 **SEC. 401. SENSE OF THE SENATE ON TAX TREATMENT OF**
4 **CHILD SUPPORT.**

5 It is the sense of the Senate that Congress should
6 pass legislation to extend the current Federal tax treat-
7 ment on bad debt to nonpayment of child support by—

8 (1) allowing those that do not receive the child
9 support they are owed to deduct that amount from
10 their Federal income taxes; and

11 (2) requiring those who fail to pay child sup-
12 port to add the unpaid amount to their income for
13 Federal tax purposes.

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